

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID TROUPE,

Plaintiff,

v.

JAMES TUCKER, EDWARD WOODS,  
WASHINGTON CORRECTION CENTER,

Defendant.

CASE NO. C14-5650 BHS-JRC

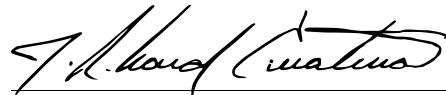
ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

Before the Court is defendants' motion for a protective order regarding discovery (Dkt. 18). Defendants state that the parties have conferred (*id.*). Defendants ask that the Court not allow discovery until their motion for summary judgment has been decided (*id.*). One of the arguments in defendants' pending motion for summary judgment is qualified immunity (Dkt. 14, pp. 18-19).

1 The Supreme Court has repeatedly held that discovery should be stayed until the  
2 threshold issue of qualified immunity has been decided. *Harlow v. Fitzgerald*, 457 U.S. 800,  
3 818 (1982); *Anderson v. Creighton*, 483 U.S. 635, 646 n.6 (1987). The reasoning behind staying  
4 discovery is that qualified immunity is immunity from suit and not just immunity from liability.  
5 Further, one of the policy considerations for providing qualified immunity is to reduce the cost of  
6 discovery to public officials and the government. *Harlow*, 457 U.S. at 817-19. After considering  
7 these principles, the Court grants defendants' motion to stay discovery.

8 Dated this 22<sup>nd</sup> day of December, 2014.

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11 J. Richard Creatura  
12 United States Magistrate Judge  
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